

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION AT JACKSON

FILED BY *[Signature]* D.C.
05 DEC -5 AM 10:54
CLERK OF COURT
JACKSON, TENN.

THE PROCTER & GAMBLE PROFIT
SHARING TRUST AND EMPLOYEE
STOCK OWNERSHIP PLAN, by and
through its Trustees,

Plaintiff,

v.

Case No. 05-1365-T-An

BLANCHE M. SIMMONS,
BRIAN C. SIMMONS,
CARNEACE L. JONES, and
JOHN DOE,

Defendants.

FILED BY *[Signature]* D.C.
05 DEC -5 PM 4:46
CLERK OF COURT
JACKSON, TENN.

**PLAINTIFF'S MOTION TO LIFT AUTOMATIC STAY OF DISCOVERY;
MOTION TO CONDUCT EXPEDITED LIMITED DISCOVERY IN ADVANCE
OF HEARING ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff, The Procter & Gamble Profit Sharing Trust and Employee Stock Ownership Plan, by and through its Trustees ("Plaintiff"), and through counsel, hereby submit its Motion to Lift Automatic Stay of Discovery and Motion to Conduct Expedited Limited Discovery in Advance of Hearing on Plaintiff's Motion for Preliminary Injunction. In support of said Motions, Plaintiff states as follows.

1. The Verified Complaint was filed on November 29, 2005, and a hearing on Plaintiff's application for a temporary restraining order took place on November 30, 2005. At the hearing, the Court granted the plaintiff's application and ordered Defendants to freeze all funds held in all accounts that were derived from proceeds paid by Plaintiff's Trust Plan to Blanche Simmons. The Court also ordered Defendants to prepare an accounting under oath regarding the status of the Trust Plan funds.

MOTION GRANTED
DATE: 6 December 2005
[Signature]
James D. Todd
U.S. District Judge

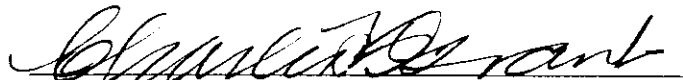
2. The Court also scheduled a hearing on Plaintiff's Motion for Preliminary Injunction on December 13, 2005, at 9:00 a.m.

3. Plaintiff needs to conduct limited discovery in this case to aid in preparation for the December 13, 2005 hearing. Specifically, Plaintiff needs to depose Defendants for the limited purpose of ascertaining the whereabouts of the accounts in which the Trust Plan funds are being held or are on deposit.

4. Rule 26(d), Federal Rules of Civil Procedure, prohibits all discovery absent a Court order before an initial case management conference has been held. Plaintiff needs relief from the stay on discovery imposed by this rule. Plaintiff also requires expedited discovery on a limited basis in advance of the December 13, 2005 hearing. Specifically, Plaintiff seeks to depose Defendants on Tuesday, December 6, 2005, at 1:00 p.m. in Jackson, Tennessee.

WHEREFORE, Plaintiff request that the foregoing motions be granted without delay.

Respectfully submitted,



Charles K. Grant, No. 17081

Helen F. Bean, No. 22673

BAKER, DONELSON, BEARMAN,

CALDWELL & BERKOWITZ, P.C.

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Attorneys for P&G Trust

CERTIFICATE OF SERVICE

A copy of the foregoing was served by U.S. Mail, postage prepaid, upon the following this 2nd day of December, 2005. A copy also is expected to be served by hand delivery/process server on the 3rd day of December, 2005.

Blanche M. Simmons
1014 Osborne Street
Humboldt, TN 38343

Brian C. Simmons
1620 Maple Street
Humboldt, TN 38343

Carneace L. Jones
920 Etheridge Street
Humboldt, TN 38343


Charles K. Grant



Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 1:05-CV-01365 was distributed by fax, mail, or direct printing on December 7, 2005 to the parties listed.

Charles K. Grant
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Honorable James Todd
US DISTRICT COURT